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DANIEL S. POLLEY, P.A. 1215 EAST BROWARD BOULEVARD FORT LAUDERDALE, FL 33301			BOYCE, ANDRE D	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/883,590	Applicant(s) FRENGUT, RENEE	
	Examiner Andre Boyce	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7,10,12-18,21,22,24-26,32,33,35,36 and 40-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,10,12-18,21,22,24-26,32,33,35,36 and 40-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed April 28, 2006. Claims 1, 5, 7, 10, 12-18, 21, 22, 24-26, 32, 33, 35, and 41 have been amended. Claims 42-58 have been added. Claims 34 and 37-39 have been canceled. Claims 1, 5, 7, 10, 12-18, 21, 22, 24-26, 32, 33, 35, 36 and 40-58 are pending.
2. Applicant's arguments have been considered but are rendered moot in view of the new grounds of rejection, necessitated by Applicant's amendments.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1, 7, 12, 13, 16, 18, 21, 22, 24-26, 32, 33, 35, 36 and 40-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (USPN 6,237,025), in view of e-Focusgroups.com (March 5, 2000 version of the website).

As per claim 1, Ludwig et al discloses a method for conducting a live study (e.g., multi-media collaboration teleconferencing including real time audio and video, column 4, lines 58-60) with one or more participants (i.e., real-time audio/video/data communication via WAN, column 10, lines 18-21), said method, comprising, the

steps of: (a) selecting one or more individuals for a specific online live study (i.e., multi-party conference wherein participants invited by selection, column 24, lines 58-67); (d) providing each of said one or more individuals and said moderator with an audio/video capture mechanism (e.g., collaborative multimedia workstation (CMW) readily imposed onto an existing workstation, column 5, lines 14-19) that is connectable to a machine that permits live audiovisual two-way images and communication across a network (i.e., CMW 12 provides high-quality live video image and audio of the CMW operator, column 6, lines 29-36) (f) conducting the live study at the website by capturing live video images of the individuals and moderator and live audio communications between and among the individuals (i.e., real-time audio/video images of participants in conference, column 6, lines 40-44) and the moderator based on questions asked or stimuli shown to the individuals over the network (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31).

Ludwig et al does not explicitly disclose conducting a specific online live study being held at a website on the Internet at a certain time, (b) providing each individual with sign-in information for the specific online study, (c) selecting a moderator for conducting the specific online live study, and (e) permitting said one or more individuals to participate in the specific online live study by allowing said one or more individuals to access the specific online live study by using their sign-in information at the website. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein

the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§ 1-2). In addition, e-Focusgroups.com discloses providing a moderator and developing a moderator's interview guide (§15). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include conducting a specific online live study being held at a website on the Internet at a certain time, providing each individual with sign-in information for the specific online study, and selecting a moderator for conducting the specific online live study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include the Internet, wherein the participants of Ludwig would comprise an online focus group, thus making the Ludwig system more flexible and robust.

As per claim 7, Ludwig et al disclose displaying a stimulus to the participants across the distributed network and, receiving one or more participant responses to the stimulus across the distributed network (e.g., any participant can point at or annotate the shared data, column 9, lines 28-31).

As per claim 12, Ludwig et al discloses method for conducting a live study from a host machine over a network (e.g., multi-media collaboration teleconferencing including real time audio and video, column 4, lines 58-60), comprising, the steps of: selecting a set of candidates to participate in a live study (i.e., multi-party conference wherein participants invited by selection, column 24, lines 58-67), inviting the set of

candidates to access the live study at a predetermined time interval (i.e., multi-party conference wherein participants invited by selection at the time of the conference, column 24, lines 58-67), wherein the candidates communicate with the host and/or each other using a respective user machine interface having live audio/video two-way image and communication mechanism connected thereto (e.g., collaborative multimedia workstation (CMW) readily imposed onto an existing workstation, column 5, lines 14-19), wherein each user machine is located geographically remote from the host (i.e., real-time audio/video/data communication via WAN, column 10, lines 18-21), initiating live two-way audio communication and video images between and among the host and/or the geographically remote user machines with at least a set of participants comprising a first portion of the set of candidates, during the predetermined time interval in substantially real time (i.e., CMW 12 provides high-quality live video image and audio of the CMW operator, column 6, lines 29-36); exhibiting over the network a stimulus to the participants (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31); and accumulating live participant images and responses to the stimulus over the network at the host (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

Ludwig et al does not explicitly disclose an online study to be conducted over the Internet, and wherein the candidates access the live online study through sign-in information provided to candidates prior to a starting time for the live study. e-

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Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (¶¶ 1-2). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an online study to be conducted over the Internet, and wherein the candidates access the live online study through sign-in information provided to candidates prior to a starting time for the live study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include the Internet, wherein the participants of Ludwig would comprise an online focus group, thus making the Ludwig system more flexible and robust.

As per claim 13, Ludwig et al discloses verifying a presence of each participant throughout the live study (e.g., live video image of participants, column 6, lines 58-60).

As per claim 16, Ludwig et al discloses the additional step of selecting groups of participants for a predetermined stimulus, wherein the predetermined stimulus is shown to the participant group (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31).

As per claim 18, Ludwig et al discloses the additional step of tabulating results of the live study (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

Claim 21 is rejected based upon the rejection to claim 12, since it is the system claim corresponding to the method claim.

As per claim 22, Ludwig et al discloses a sponsoring client is permitted to access the user responses and audio/video two-way communications between and among one or more users and the moderator (i.e., the expert is engaged in a videoconference with a field representative 201 and client 202, wherein the field representative shares a graphical image 210, column 36, lines 35-42). Ludwig et al does not explicitly disclose a sponsoring client device having distributed network access wherein a sponsoring client is permitted to access the live online study while the live online study is ongoing unobtrusively to each user and can observe the submitted moderator stimuli. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§ 1-2), wherein clients can communicate with one another privately in the client room, as well as observing the interaction taking place in the discussion room (§ 26). In addition clients can communicate with the moderator without the respondents knowing (§ 26). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals

at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a sponsoring client device having distributed network access wherein a sponsoring client is permitted to access the live online study while the live online study is ongoing unobtrusively to each user in Ludwig et al, as seen in e-Focusgroups.com, thus allowing the participants to freely and openly interact as disclosed in e-Focusgroups.com, thus making the Ludwig system more flexible and robust.

As per claim 24, Ludwig et al disclose a user working from the user device observes a live audiovisual image of the user (i.e., audio/video received by a CMW 12 includes video images of participants, column 6, lines 40-44).

As per claims 25-26, Ludwig et al discloses a user working from the user device conducts live two-way audiovisual communications with one or more users (e.g., multi-media collaboration teleconferencing including real time audio and video, column 4, lines 58-60), and observes a set of submitted participant responses (i.e., data conferencing, including snapshot and application sharing, wherein any participant can point at or annotate the shared data, column 9, lines 18-31).

As per claim 32, Ludwig et al discloses said participants are selected from a group of candidates (i.e., multi-party conference wherein participants invited by selection, column 24, lines 58-67).

As per claim 33, Ludwig et al does not disclose permitting a client to access the website through sign-in information provided to the client to permit the client to view over the Internet the live online study while the live online study is ongoing; wherein

the client is connected to the subject matter of the live online study. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (¶¶ 1-2) and including customer input into processes including new product development and evaluation (¶ 10). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include permitting a client to access the website through sign-in information provided to the client to permit the client to view over the Internet the live online study while the live online study is ongoing in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include the Internet, wherein the participants of Ludwig would comprise an online focus group, thus making the Ludwig system more flexible and robust.

As per claim 35, Ludwig et al discloses recording an audiovisual record of the live study and delivering the audiovisual record to the client (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

As per claim 36, Ludwig et al discloses a number of candidates selected being fewer than all candidates available for selection (i.e., participants selected by

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collaboration initiator from group of all CMW users in initiator's rolodex, column 24, lines 45-52).

As per claim 40, Ludwig et al discloses a medium for storing accumulated recordings of the live audio and video communications between and among the moderator and other users, a processor for evaluating user responses, and an engine outputting results based on the user responses (e.g., audio/video and data of the teleconference can be recorded at a CMW, or within MLAN 10, complete with all the data interactions, column 9, lines 36-39).

Claims 41, 42 and 52 are rejected based upon the same rationale as the rejection of claim 1, since they contains the same limitations therein.

As per claims 43 and 53, Ludwig et al does not explicitly disclose wherein said one or more individuals not required to having any prior connection or association with each other or said moderator in order to participate in the live online study. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (¶¶ 1-2), wherein the respondents are recruited from around the globe (¶ 13). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include one or more individuals not required to having any prior connection or association with each other or said moderator in Ludwig et al, as seen

in e-Focusgroups.com, thus expanding the participants that are able to collaborate in Ludwig et al, thereby making the Ludwig system more flexible and robust.

As per claims 44-46, 54 and 55 Ludwig et al does not explicitly disclose wherein said sign-in information is provided to each individual and the moderator in advance of a scheduled date and time for the live online study and wherein the live study is secured and held online at a website and the sign-in information is a user id and password for each individual and permits the individual with access to the secured live study. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§ 1-2) , wherein inviting to an online focus group must include a scheduled time and place for the client, moderator, and respondents. Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include said sign-in information is provided to each individual in advance of a scheduled date and time for the live online study and wherein the live study is secured and held online at a website and the sign-in information is a user id and password for each individual and permits the individual with access to the secured live study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include a secured website, wherein the participants of Ludwig et al would comprise participants who meet the screening criteria of the client, as

disclosed in e-Focusgroups.com (§ 2), thus making the Ludwig system more flexible and robust.

As per claim 47, Ludwig et al does not explicitly disclose permitting a client to access and observe an ongoing live online study over the Internet unobtrusively to the one or more individuals. e-Focusgroups.com discloses a web-based online focus group, providing a secure DSL line and a chat-mediated, web based virtual room, wherein the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§ 1-2), wherein clients can communicate with one another privately in the client room, as well as observing the interaction taking place in the discussion room (§ 26). In addition clients can communicate with the moderator without the respondents knowing (§ 26). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a sponsoring client device having distributed network access wherein a sponsoring client is permitted to access the live online study while the live online study is ongoing unobtrusively to each user in Ludwig et al, as seen in e-Focusgroups.com, thus allowing the participants to freely and openly interact as disclosed in e-Focusgroups.com, thus making the Ludwig system more flexible and robust.

As per claims 48, 50, 56 and 58, Ludwig et al does not explicitly disclose preventing the client from communicating with the one or more individuals through the live online study while the live online study is being conducted and permitting the

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client to communicate with the moderator unobtrusively to the one or more individuals during the ongoing live online study. e-Focusgroups.com discloses clients communicating with one another privately in a client room and clients communicating with the moderator, but not the respondents (§ 26). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include preventing the client from communicating with the one or more individuals through the live online study while the live online study is being conducted in Ludwig et al, as seen in e-Focusgroups.com, thus keeping the client communications private while allowing the participants to carry on open discussions, as disclosed by e-Focusgroups.com, thus making the Ludwig system more flexible and robust.

As per claims 49 and 57, Ludwig et al does not disclose wherein said client is provided with sign-in information in advance of a scheduled date and time for the live online study in order to access and observe the ongoing live online study over the Internet. e-Focusgroups.com discloses the site is secured so that only those respondents who meet the screening criteria and who are invited can participate (§§ 1-2), wherein inviting to an online focus group must include a scheduled time and place for the client, moderator, and respondents. Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an online study to be

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conducted over the Internet, and wherein the candidates access the live online study through sign-in information provided to candidates prior to a starting time for the live study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include the Internet, wherein the participants of Ludwig would comprise an online focus group, thus making the Ludwig system more flexible and robust.

As per claim 51, Ludwig et al does not explicitly disclose wherein said client is connected to the subject matter of the live online study. e-Focusgroups.com discloses including customer input into processes including new product development and evaluation (§ 10). Both Ludwig et al and e-Focusgroups.com are concerned with collaboration of individuals at geographically dispersed locations, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include said client is connected to the subject matter of the live online study in Ludwig et al, as seen in e-Focusgroups.com, thus expanding the WAN communication disclosed in Ludwig et al to include the Internet, wherein the participants of Ludwig would comprise an online focus group for a particular customer/client, thus making the Ludwig system more flexible and robust.

5. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (USPN 6,237,025), in view of e-Focusgroups.com (March 5, 2000 version of the website), in further view of Thomas (US 2002/0002482).

As per claims 5 and 14, neither Ludwig et al nor e-Focusgroups.com disclose paying each participant a first sum for participating in the live study; and, paying a non-selected remainder portion of the candidates a second sum which is less in monetary amount than the first sum. Thomas discloses offering incentives to registered participants, including money (§ 0029), wherein non-registered participants would not receive any incentive (i.e., money), which is less than what registered participants would receive. Ludwig et al, e-Focusgroups.com, and Thomas are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include incentives for the respondents in Ludwig et al, thereby making participation more attractive to the plurality of potential respondents.

6. Claims 10, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (USPN 6,237,025), in view of e-Focusgroups.com (March 5, 2000 version of the website), in further view of Davis (USPN 6,256,663).

As per claims 10 and 15, neither Ludwig et al nor e-Focusgroups.com explicitly disclose the additional step of officiating a follow-up interview with a participant, wherein the moderator displays additional stimulus and receives additional participant response in response to the additional stimulus. Davis discloses that the moderator provides additional questions and/or information provided to the respondent (column 6, lines 63-67). Ludwig et al, e-Focusgroups.com, and Davis

are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a moderator displays additional stimuli in Ludwig et al, similar to the expert disclosed by Ludwig et al (column 35, lines 23-34), wherein the system allows for remote access to expertise, thus making the system more robust.

As per claim 17, neither Ludwig et al nor e-Focusgroups.com explicitly disclose the additional step of dynamically selecting a particular stimulus for transmission over the distributed network to the participants in response to prior participant responses. Davis discloses that a client may modify or alter the direction of the focus group or suggest additional stimuli (column 6, lines 61-65). Ludwig et al, e-Focusgroups.com and Davis are concerned with effective participant communication via electronic means, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a moderator in Ludwig et al, similar to the expert disclosed by Ludwig et al (column 35, lines 23-34), wherein the system allows for remote access to expertise, thus making the system more robust.

Response to Arguments

7. In the Remarks, Applicant argues that Ludwig et al does not disclose conferencing over a public network like the Internet, requiring the participants to sign-in, allowing the client whose company is associated with the subject matter to

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view the live study unobtrusively, and a live market research or focus group study. Applicant's arguments have been considered but are rendered moot in view of the new grounds of rejection, necessitated by Applicant's amendments, wherein the Examiner submits e-Focusgroups.com as disclosing these limitations.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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adb

July 8, 2006



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